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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,808	12/12/2000	Carolyn Ramsey Catan	US 000377	2094
24737	7590	05/28/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			BASHORE, ALAIN L	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			3624	

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/734,808	RAMSEY CATAN, CAROLYN	
	Examiner	Art Unit	MW
	Alain L. Bashore	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 5-11 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 5-11 and 13-16 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Response to Arguments

1. In view of the appeal filed on 3-8-04, PROSECUTION IS HEREBY REOPENED. A new rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-11, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al in view of Dethloff et al and Harada et al.

Nakano et al discloses a method of purchasing where an account authorization device includes a consumer electronics device in the home and a device for locally controlling access to an account. A processor (or profile maker) stores in a memory (as profile information) account information for an account holder (col 7, lines 25-36), assigned sub-credit limits (or access levels) to each authorized user (col 3, lines 21-28), and authorization information for authorized users of the account (col 3, lines 10-20). The profile for each user is considered parental control information; the profile information further indicates the types of services (and goods since there is disclosed on-line shopping) the authorized users are permitted to purchase through the account (col 7, lines 39-41).

The processor sends the account holder information over the communication link only if the match is detected compares received identification information (indicating a desire to make a transaction) with stored identification information and finds an associated sub-credit limit corresponding to the received identification information (col 3, lines 21-28), to enable a purchase over a communications link (fig 3) to charge up to the maximum of the sub-credit limit. There is disclosed a set-top box (3) and a television (4).

Nakano et al does not disclose:

bio-authentication information as the identification information, where further the bio-authentication information is a voice sensor;

a local storage device for the memory further where the memory is part of the consumer electronics device;

sending the account holder information over the communication link only if the match is detected and the sub-credit limit is not exceeded; and,

bio-authentication device that is a fingerprint sensor further where the sensor is on the remote control.

Dethloff et al discloses bio-authentication information as the identification information further as a voice sensor (col 11, lines 25-30), a local storage device for the memory further where the memory is part of the consumer electronics device (col 11, lines 2-24), sending account holder information over the communication link only if the match is detected and determining a sub-credit limit that is not exceeded (col 13, lines 67-68; col 14, lines 1-8).

It would have been obvious to one with ordinary skill in the art to include bio-authentication information as the identification information further as a voice sensor because Harada et al teaches such for privacy purposes (col 3, lines 10-12) and non-eligible user participation (col 3, lines 40-42).

It would have been obvious to one with ordinary skill in the art to a local storage device for memory and further where the memory is part of the consumer electronics device because Harada et al teaches multiple user information at the consumer electronics device for relational identification (col 17, lines 64-67).

It would have been obvious to one with ordinary skill in the art to include sending account holder information over the communication link only if the match is detected and determining a sub-credit limit that is not exceeded from Dethloff et al because Harada et al teaches local determination of user as important because personal information must be controlled (col 3, lines 8-9) and since Nakano teaches credit sub-limits which is a type of personal information.

Harada et al discloses bio-authentication information as the identification information where bio-authentication device provides the bio-authentication information that is a fingerprint (col 7, lines 19-23) further where the sensor is on the remote control (col 7, lines 14-18).

It would have been obvious to one with ordinary skill in the art to include to Nakano et al bio-authentication information as the identification information because Harada et al teaches selectively controlling access (i.e. adults and children; col 4, lines 42-60).

It would have been obvious to one with ordinary skill in the art to include to Nakano et al a bio-authentication device for providing the bio-authentication information as fingerprint sensor because Dethloff et al teaches bio-authentication and Nakano et al teaches controlled access.

Response to Arguments

5. Applicant's arguments with respect to claims of record have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alain L. Bashore